

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:

JANICE LADIK

Debtor(s)

)
) Case No. 15 B 41275
) Chapter 13
)
) Judge Jack B. Schmetterer

NOTICE OF MOTION

To: David P Lloyd, Esq., David P. Lloyd, Ltd., 615B S. LaGrange Rd.,
LaGrange, IL 60525 - by electronic notice through ECF
Janice Ladik, 15813 Orlan Brook Drive Unit 50, Orland Park, IL 60462
Tom Vaughn, Trustee, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603 - by
electronic notice through ECF

PLEASE TAKE NOTICE that on **August 17, 2016** at **9:30 a.m.** or as soon thereafter as
counsel may be heard, I shall appear before the Honorable Judge Jack B. Schmetterer at 219
South Dearborn, Courtroom 682, Chicago, Illinois 60604 or in his absence, before any other
judge who may be sitting in his place or stead, and shall then and there move this court pursuant
to the attached Motion to Allow Costs of Collection, at which time and place you may appear. A
copy of said Motion is attached hereto and herewith served upon you.

ORLAN-BROOK CONDOMINIUM OWNER'S
ASSOCIATION

/s/ Ronald J. Kapustka

By: Ronald J. Kapustka

Certificate of Service

The undersigned certifies that he caused a copy of the foregoing Notice and Motion to Allow Costs of
Collection to be served upon the above named parties by depositing the same in the U.S. Mail, postage
pre-paid, before the hour of 5:00 pm on August 4, 2016.

/s/ Ronald J. Kapustka

Ronald J. Kapustka
Kovitz Shifrin Nesbit
175 North Archer Ave., Mundelein, IL 60060
Tel. (847) 537-0500 / Fax (847) 537-0550
rkapustka@ksnlaw.com; ndaily@ksnlaw.com
ARDC No. 6203095
KSN FILE (CORL003-61023)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt
collector attempting to collect a debt and any information obtained will be used for that purpose.

CORL003:61023/2876928.1

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MOTION TO ALLOW COSTS OF COLLECTION

ORLAN-BROOK CONDOMINIUM OWNER'S ASSOCIATION, a secured creditor herein, by and through its attorneys, Ronald J. Kapustka of Kovitz Shifrin Nesbit, and moves this Honorable Court for an Order allowing the Costs of Collection to be paid pursuant to the Debtor's confirmed Chapter 13 plan as reasonable costs of collection and in support thereof, states as follows:

1. The above captioned Chapter 13 case was filed on December 7, 2015 and the Chapter 13 plan was confirmed on July 6, 2016.

2. Orlan-Brook Condominium Owner's Association is incorporated under the laws of the State of Illinois as a non-for-profit corporation and is charged with the authority to administer the subject premises pursuant to the Declaration of Condominium for the Association (hereinafter referred to as "Declaration"), duly recorded with the office of the Recorder of Deeds;

3. Debtor is the legal owners of the property commonly known as 15813 Orlan Brook Drive Unit 50 and G-50, Orland Park, Illinois which is subject to the terms and conditions of the Declaration.

4. The Declaration gives the Association the right to collect assessments from owners such as the Debtors herein and to maintain forcible entry and detainer actions and to recover attorneys' fees and costs from owners who fail to stay current on their assessments. Unpaid assessments are a lien on the property pursuant to the terms of the Declaration.

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5. The costs of collection incurred by Orlan-Brook Condominium Owner's Association are secured pursuant to the terms of the Declaration;

6. Under the terms of the Debtor's confirmed plan, Orlan-Brook Condominium Owner's Association costs of collection may be added to its cure amount set forth in paragraph E(3.1)(a) of the Debtor's confirmed Plan on the motion of Orlan-Brook Condominium Owner's Association;

7. As of this date, Orlan-Brook Condominium Owner's Association has incurred the following post-petition attorney's fees not already provided in Plan paragraph E(3.1)(a) as relating to representing Orlan-Brook Condominium Owner's Association interests in this case:

- (a) December 7, 2015 – \$97.50 Preparation of letter to Association advising of bankruptcy filing and providing direction as to how the account should be handled while the bankruptcy is pending;
- (b) December 30, 2015 – \$395.00 Request account ledger from management going back to a \$0.00 balance; prepare and file Proof of Claim on behalf of the Association; this is a flat fee which includes future monitoring and processing of all future trustee payments; forwarding payments to the Association with direction as to how payments should be applied to Debtor(s) account; Review of all notices for the pendency of the bankruptcy case and continuous monitoring of the bankruptcy file through completion of the bankruptcy case;
- (c) December 30, 2015 – \$97.50 Preparation of letter to Debtor's counsel requesting the Plan be amended to adequately provide for the Association's secured, pre-petition claim and providing a copy of the Association's Proof of Claim;
- (d) February 2, 2016 - \$370.00 Review Debtor(s) proposed plan; preparation and filing of Objection to Confirmation of Plan; review of any plan amendments and

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if applicable, preparation and withdrawal of Objection; monitoring of the confirmation process;

- (e) February 3, 2016 – Court Appearance on confirmation hearing. Confirmation continued to March 16, 2016;
- (f) March 3, 2016 – Review of amended plan filed March 2, 2016. Email to Debtor's counsel informing amended plan did not resolve the Association's objection;
- (g) March 15, 2016 – Email communication with Debtor's counsel regarding plan amendment;
- (h) March 16, 2016 – Court Appearance on confirmation hearing. Confirmation continued to April 27, 2016;
- (i) March 30, 2016 – Review of amended plan filed March 29, 2016. Preparation and filing of the Association's withdrawal of objection to confirmation;
- (j) May 9, 2016 – Review of amended plan filed May 4, 2016. The new amended plan understates the Association's pre-petition claim. Email to Debtor's Counsel requesting plan be amended to adequately provide for the Association's claim;
- (k) May 18, 2016 – Court Appearance on confirmation hearing. Confirmation continued to July 6, 2016;
- (l) May 27, 2016 – Review of amended plan filed May 26, 2016. The new amended plan adequately provides for the Association's pre-petition claim;
- (m) July 5, 2016 – Review of amended plan filed June 29, 2016. The new amended plan adequately provides for the Association's pre-petition claim.

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WHEREFORE, your Movant, Orlan-Brook Condominium Owner's Association prays for an Order Allowing the post petition costs of collection in the amount of \$960.00 to be added to the arrears amount in the Debtor's confirmed plan and for such other relief as this Court deems just.

ORLAN-BROOK CONDOMINIUM OWNER'S
ASSOCIATION

By: /s/ Ronald J. Kapustka
Ronald J. Kapustka

Ronald J. Kapustka
Kovitz Shifrin Nesbit
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